

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
PAUL W. GRIMM
UNITED STATES MAGISTRATE JUDGE

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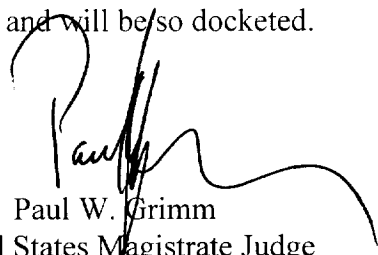
RE: *Ausherman v. Bank of America*
MJG-01-438

MEMORANDUM FOR COUNSEL

Dear Counsel:

This memorandum will resolve the issue raised in Mr. Sweetland's letter of April 1, 2002 regarding the April 9, 2002 deposition of plaintiffs' expert witness. Plaintiffs do not object to production of items 1 and 4 of schedule A. Items 2, 6 and 7 should be readily available to plaintiffs' expert, inasmuch as it appears as though they were relied upon by him/her in reaching the opinions expressed in plaintiffs' Rule 26(a)(2) disclosure. Accordingly, any time required to assemble them for the deposition is sufficiently related to deposition preparation tasks to bring them within the purview of Local Rule 104.11.a. Accordingly, defendants shall not be responsible for payment of any portion of the expert's fee relating to assembly of items 1, 2, 4, 5, 6, or 7. As for item 3, plaintiffs expert shall be permitted to restrict his/her search to material in his/her possession, custody or control, and shall not be required to spend more than 4 hours looking for and assembling these materials. The defendants shall be responsible for paying the actual time spent by plaintiffs' expert searching for and or assembling, but not reviewing, the items listed in number 3 of schedule A, not to exceed 4 hours.

This informal memorandum is a court order and will be so docketed.


Paul W. Grimm
United States Magistrate Judge

cc: Honorable Marvin J. Garbis
Clerk
Chambers File

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